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SH 2452326

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8) Witness [redacted] (Homicide)
9) Witness [redacted] (Homicide)
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Exhibits

A – One CD containing a scanned copy of the shooting investigation book

B – Memorandum from the Los Angeles County District Attorney's Office Justice System Integrity Division to Captain Kent Wegener, dated November 16, 2020

C – Suspect Frank Robles' Medical Report, Discharge Summary Final Report

D – One DVD containing photographs of the scene, photograph of the suspect, and photographs of Deputy Rogart and his duty weapon

E – Photograph #1 indicating location of Witness [redacted] and location of patrol vehicle

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G – One CD containing radio traffic

Miscellaneous Documents

- (6) Administrative Rights Force/Shooting Investigation Forms
- PIMS inquiry of Suspect Frank Robles sentencing to state prison
- Email from Officer [redacted] of Salinas Valley State Prison
- April 04, 2018, County Parks- East PM Shift In-service
- April 04, 2018, East Los Angeles Station PM Shift In-service
- Deputy Rogart's POST Training Records
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SH-AD-32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: November 1, 2021

FILE NO: 018-05107-0287-056

OFFICE CORRESPONDENCE

FROM: WILLIAM E. JAEGER, COMMANDER
PROFESSIONAL STANDARDS
DIVISION

TO: BENJAMIN TORRES, CAPTAIN
PARKS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2452326
Incident:	Hit Shooting
Incident Date:	April 4, 2018
Unit:	Parks Bureau
Suspect(s):	Robles, Frank MH/073175
Involved Employees:	Deputy John Rogart, #[redacted] 
EFRC Date:	October 7, 2021

The Executive Force Review Committee (EFRC) consisting of Commanders Jose J. Rios, Jason A. Skeen, and William E. Jaeger (Chair) met and reviewed the above case.

FINDINGS:

The EFRC panel determined the use of force, directed use of force, and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC Panel recommended Deputy Rogart attend Department training courses TAS I and Tactical Communication. The panel also recommended a Department-Wide re-brief regarding radio monitoring be conducted via email by Field Operations Support Services.

During the Panel Review, you stated that Deputy Rogart had already attended the TAS I course on May 2, 2018, and that Parks Bureau would follow up with Deputy Rogart's current unit of assignment regarding other recommended training courses.

Chief Laura Lecrivain concurred with the panel's recommendations.

WEJ:DJW:djw

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
04/04/18	Parks Bureau/ East Zone	[ ]	[x]

Incident Information

URN: 018-05107-0287-056	Date: 04/04/18 Time: 1923 Hours
City or Station: East Los Angeles	Nature of Incident: During a citizen flag down, Suspect Robles had a knife in his hand and advanced towards Deputy Rogart. Deputy Rogart shot Suspect Robles twice.
Location: [redacted] Leonard Avenue, East Los Angeles	

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [x] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other: Driveway

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: within six feet

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [ ] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other: Knife

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [x] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Aero Unit? [x] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
2	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Romo	Analleli		[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
[redacted]	Miller	Steven	G.	[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
[redacted]	Saavedra	Hector		[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Ortiz	Christian		[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
[redacted]	Parks	Frank	E.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sunagawa	Mark	A.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Duran	James	R

PSTD Use Only

SH # ______________

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/04/18	2208 Hours		

Employee #	Last Name	First Name	M.I.
[redacted]	Mah	Calvin	
[redacted]	Johnson	Steven	M.
[redacted]	Burse	Michael	A.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
10) 10 mm
12) 12 guage
20) 20 guage
21) .22-250
22) .22 caliber
23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OE					NN	
E#1	S#1	FH	SW	9	Y	Y	GS	AD
E#1	S#1	FH	SW	9	Y	Y	GS	HI

Officer Involved Shooting
Involved Employee Information

URN: 018-05107-0287-056

Involved Employee

E 1

Employee # [redacted]	Last Name: Rogart	First Name: John	M.I.: K.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: Parks Bureau	Work Assignment (Unit #, Module, etc.): 833E1
ShiftTime (*circle only one*): [ ] EM [✓] PM [ ] Day	ShiftType (*circle only one*): [✓] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [✓]
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [✓] Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 510	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit:	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: SW Caliber: 9MM # Shots: 2		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted].
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings: Directed Force: [ ]
Weapons Fired Brand: Caliber: # Shots:		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings: Directed Force: [ ]
Weapons Fired Brand: Caliber: # Shots:		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 018-05107-0287-056

Suspect Information

S 1

Last Name: Robles		First Name: Frank	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 49 D.O.B. 07/31/75	Height: 507 Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # 5278289	Primary Charge: 245(C) PC	Secondary Charge: 3056 PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A Model: Year:	Parole: Yes	Probation: No	Prior Felony Conviction: Yes

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Renderos #[redacted]	Evelyn		5019 East 3rd Street Los Angeles, CA	90022	323-264-4151	
Rodriguez #[redacted]	Corinne		5019 East 3rd Street Los Angeles, CA	90022	323-264-4151	

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I.
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph [redacted]

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

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Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Hit-Shooting, Suspect Injured**
IAB FILE NUMBER:	**SH 2452326**
URN:	**018-05107-0287-056**
DATE/TIME:	**April 4, 2018 / 1923 hours**
LOCATION:	**[redacted] South Leonard Avenue, East Los Angeles, California 90022**

SYNOPSIS:

On Wednesday, April 4, 2018, Internal Affairs Bureau (IAB) Sergeants Calvin Mah, Steven Johnson, and Lieutenant Michael Burse responded to East Los Angeles, regarding an on-duty deputy-involved hit-shooting. Frank Robles (hereafter referred to as Suspect Robles) sustained a gunshot wound to his abdomen and hip after advancing toward Deputy John Rogart with a knife. Suspect Robles was transported to the Los Angeles County + University of Southern California Medical Center (LCMC) where he was admitted for surgery. On April 26, 2021, this case was reassigned to Sergeant Matthew Gauthier.

The on-duty watch commander, Lieutenant James Duran, took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves, or with uninvolved persons, prior to being interviewed by the assigned investigators. Additionally, the involved and witness personnel did not collectively consult with their attorneys or union representatives. The involved and witness personnel were gathered in the company of a supervisor until they provided their statements to the assigned investigators.

Los Angeles County Sheriff's Department (LASD) Homicide Detectives John Carlin and Ralph Hernandez arrived and assumed control of the shooting investigation. For further information, refer to the shooting investigation, under Homicide Bureau casebook under URN #018-05107-0287-056 **[EXHIBIT A]**.

SUMMARY

On April 04, 2018, at approximately 1919 hours, East Los Angeles Station desk personnel received a call of a male with a knife (417A) pacing back and forth in the area of [redacted] Leonard Avenue in the city of East Los Angeles, Incident #ELA18094-0417 **[EXHIBIT A, page 23]**. The 417A call was assigned to Deputies Analleli Romo-Martinez, and Steven Miller, Unit #25A. Deputies Robert Garza and Justin Waites, Unit #23A, and Deputies Rafael Munoz and Hector Saavedra-Soto, Unit #22 were assigned to assist.

> **IAB Note:** Deputy Romo-Martinez and Deputy Saavedra-Soto have hyphenated last names. Deputy Romo-Martinez goes by Deputy Romo and Deputy Saavedra-Soto goes by Deputy Saavedra.

> **IAB Note:** 417A is a Los Angeles County Sheriff's Department radio code for person with a knife.

Approximately four minutes later, Deputy Rogart, who was assigned to Parks Bureau as Unit 833E1, was driving southbound on Leonard Avenue when he was flagged down by a male Hispanic (Witness [redacted]. Witness [redacted] told Deputy Rogart he called the police about a male and pointed in the direction of the location on Leonard Avenue. Deputy Rogart had his radio on the SCC Access channel was not aware of the call for service. He backed his patrol car and looked down the driveway of the location to where Witness [redacted] had pointed Deputy Rogart saw two males (Witnesses [redacted] and [redacted]) sitting in the bed of a truck near the end of the driveway. The witnesses pointed toward the rear of the location. Deputy Rogart exited his vehicle and walked toward them.

Suspect Robles stepped onto the driveway with his left hand behind his back. As Suspect Robles walked toward Deputy Rogart, the suspect moved his left hand in front of himself while holding an 8 to 12 inch knife. Suspect Robles waved the knife in a side to side motion in Deputy Rogart's direction, and cursed at him. Deputy Rogart removed his weapon from his holster as he walked backward to create distance and noticed he did not have any tactical cover. He yelled at Suspect Robles to drop the knife. The suspect did not comply and continued to advance toward him. Deputy Rogart used his portable radio and broadcasted he was detaining a suspect and requested assistance.

Deputy Rogart continued to order Suspect Robles to drop the knife, with no compliance. Suspect Robles had a blank stare and positioned the knife outward with the tip toward Deputy Rogart while he quickly advanced. Fearing he was going to be assaulted, and believing the suspect may have already stabbed another person, Deputy Rogart fired two rounds from his duty weapon from a distance of six to eight feet, striking Suspect Robles. Suspect Robles dropped

the knife, fell to the ground, and began moaning. Deputy Rogart gave verbal commands to Suspect Robles to place his hands behind his back, but he did not comply. Deputy Robles utilized his portable radio and broadcasted he was involved in a "998".

> **IAB Note:** 998 is a Los Angeles County radio code for deputy involved in a shooting.

Deputies Saavedra and Munoz were the first unit to arrive on scene. They saw Deputy Rogart with his firearm drawn and Suspect Robles lying on his stomach. Deputy Saavedra saw a large knife approximately four feet away from Suspect Robles. Deputy Saavedra ordered Suspect Robles to place his hands behind his back to which he complied. Deputy Munoz updated assisting units regarding the incident via his hand held radio and established a containment of the area. When assisting units arrived, they developed a tactical plan with Deputy Rogart, approached Suspect Robles, and handcuffed him without incident.

Deputies Romo and Miller arrived on scene and saw Suspect Robles lying on his back in the driveway of the location. Deputy Saavedra rendered aid to Suspect Robles by applying pressure to his injuries. Deputy Rogart told Deputies Romo and Miller he fired his weapon and believed he hit Suspect Robles. They directed additional arriving units to secure the area, canvass for potential witnesses, and search for possible surveillance cameras, which could have recorded the incident.

After the shooting, Suspect Robles complained of pain to his abdomen and left upper leg. The deputies administered first aid until paramedics arrived. Suspect Robles was transported to LCMC where he was admitted into surgery. Additional East Los Angeles and Parks Bureau units arrived and secured the scene until they were relieved by Homicide investigators.

> **IAB Note:** The call was originally dispatched as an emergent call and changed to a priority. Deputy Eveyln Renderos and Law Enforcement Technician Corrine Rodriguez were assigned to ELA Desk Operations. IAB Investigators interviewed them and they could not recall the reason as to why the call had been downgraded.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the shooting of Suspect Robles by Deputy Rogart. In their Letter of Opinion **[EXHIBIT B]**, dated November 16, 2020, Head Deputy District Attorney Shannon Presby concluded Deputy Rogart acted lawfully in self-defense at the time he fired his weapon. There would be no further action from the District Attorney's Office.

INVOLVED EMPLOYEE AND WORK HISTORY

John Rogart, Deputy Sheriff, #[redacted]
Parks Bureau

Work History

Date of Employment:	January 20, 2013
Date Completed Patrol Training:	[redacted]
Date Assigned to Parks Bureau:	July 31, 2016
Prior Shooting incident(s):	[redacted]
Prior Category 3 Uses of Force(s):	

Equipment Worn On Person

Long sleeve Class "B" uniform
Oleoresin Capsicum (OC) Spray
Folding Knife
Two magazine pouches with four ammo magazines
Expandable Baton (ASP)
Radio holder with Radio
Two handcuff cases with handcuffs
Smith & Wesson M&P, 9mm, pistol
Smith & Wesson 2" .38 caliber revolver
Baton ring
Hobble Restraint

SUSPECT INFORMATION

Frank Robles
Male, Hispanic, DOB: July 31, 1975; 5'07"; 180 pounds
[redacted]
CII#[redacted], FBI [redacted], MAIN #[redacted]

> **IAB Note:** A copy of Suspect Robles' criminal history is included in the Homicide Bureau casebook **[EXHIBIT A, pages 60 to 64]**.

SUSPECT'S INJURIES

Suspect Robles sustained two gunshot wounds. Refer to Discharge Summary Final Report **[EXHIBIT C, PAGE 3]**. One bullet penetrated Suspect Robles' lower abdomen causing injuries to his colon and small bowel. One bullet penetrated his upper left posterior acetabular (hip) causing a fracture.

> **IAB Note:** An acetabular fracture is a break in the socket portion of the "ball-and-socket" hip joint.

IAB Note: A toxicology test was not conducted, and there was no mention of any mental health conditions.

DEPUTY PERSONNEL INJURY

Deputy Rogart was not injured.

Forensic Identification Specialist (FIS) Cathy Johnson from the LASD Scientific Services Bureau (SSB) responded to ELA and photographed Deputy Rogart **[EXHIBIT D]**.

PHYSICAL EVIDENCE

All physical evidence was measured, photographed, and collected at the scene by FIS Antoinette Bravo, Terri Beatty, Cathy Johnson, and David Alonso from LASD SSB. Homicide Detectives Carlin and Hernandez assisted with the collection of evidence. For descriptions of the evidence collected and where it was collected, see the Homicide Bureau casebook **[EXHIBIT A, pages 49 to 53]**.

INVESTIGATOR'S OBSERVATION

Approximately three hours had elapsed from the shooting to IAB Investigator's observations. The crime scene was described in detail by Homicide investigators **[EXHIBIT A, pages 30 to 31]**. The crime scene was also photographed and documented by the SSB personnel **[EXHIBIT D]**.

WEAPON USED BY DEPUTY ROGART

Deputy Rogart fired two rounds of Department issued 9mm ammunition from his Department authorized, Smith & Wesson M&P, 9mm, semi-automatic pistol. The firearm was examined by Deputy Ivan Chavez, of the SSB Firearms Identification Section and found it to be functional **[EXHIBIT A, pages 57 and 58]**.

Date last qualified: [redacted]
Date last trained with firearm:

WEAPON USED BY SUSPECT FRANK ROBLES

The suspect possessed an 8 inch "Faberware" knife with a black handle **[EXHIBIT D]**.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into the shooting was handled by Homicide Detectives Carlin and Hernandez. The charge of Assault Upon a Peace Officer 245(c) PC was filed, under D.A. case number BA467053 **[EXHIBIT A, pages 65-70]**.

> **IAB Note:** On 05/02/19, Suspect Robles was convicted and sentenced to 15 years in State Prison **[Miscellaneous Documents, PIMS inquiry]**.

LIGHTING AND WEATHER CONDITIONS

The shooting occurred in the driveway in front of an apartment complex at 1923 hours. The incident occurred during daylight hours, and the weather was clear.

STATEMENTS

The following interviews were recorded and transcribed. For more information and precise wording, refer to the Compact Disc submitted with this case containing the verbatim interview transcriptions and audio recordings. The following narrative contains summaries of the interviews:

INVOLVED PERSONNEL

Deputy John Rogart

On April 05, 2018, Homicide Detectives Carlin and Hernandez interviewed Deputy Rogart. On June 23, 2021, IAB Sergeants Matthew Gauthier and Luan Dang interviewed Deputy Rogart. Attorney Steven Welch from the Law Offices of Rains Lucia Stern St. Phalle & Silver, PC represented Deputy Rogart for both interviews.

On April 04, 2018, Deputy Rogart was assigned to work Parks Bureau, Unit 833E1, on PM shift. He was contacted by Witness [redacted] who appeared to be frightened. Witness [redacted] had called the police about a guy, and he pointed in the direction of a [redacted] apartment building. Witness [redacted] did not say anything else and walked away. Deputy Rogart backed up and looked down the driveway of the location **[EXHIBIT E, photograph]**. He saw children playing in a yard north of the location and another male in front of the apartment complex. The male pointed down the driveway. Deputy Rogart saw Witnesses [redacted] and [redacted] sitting in the bed of a pickup truck **[EXHIBIT F, photograph]**. They waved and pointed in a direction behind the apartment building. Deputy Rogart exited his vehicle and walked toward Witnesses [redacted] and [redacted] when he heard someone say, "Cholo, a knife" **(Deputy Rogart's Homicide transcript, page 3)**. Suspect Robles walked out from behind the apartment building at the end of the driveway, approximately thirty feet away. Suspect Robles had his left hand behind his back and walked toward Deputy Rogart.

Suspect Robles brought his left hand forward, and Deputy Rogart saw the suspect holding a knife. Suspect Robles waved the knife like a "sword" toward Deputy Rogart. Suspect Robles appeared to be a gang member by the tattooed horns on his head and his baggy clothing. Deputy Rogart believed Suspect Robles was under the influence of some kind of stimulant because he had glazed stare and was sweating profusely. Suspect Robles yelled something to the effect of, "Fuck you, get out of my way, or; I'm going to fuck you up" **(Deputy Rogart's Homicide transcript, page 3)**. Suspect Robles advanced toward Deputy Rogart as he walked backward to create distance. Deputy Rogart had no place to provide cover. He drew his firearm and pointed it toward Suspect Robles. Deputy Rogart ordered Suspect Robles multiple times to drop the knife, but he did not comply and continued to advance forward. Deputy Rogart routinely keeps his portable radio on the Sheriff's Communications Center (SCC) Access channel. He requested the duplex patch to broadcast emergent radio traffic he was detaining Suspect Robles at gunpoint and requested other units to his location **[EXHIBIT G, SCC Access at 00:54]**. Deputy Rogart heard deputies acknowledge his emergent request and knew deputies were responding to his location.

IAB Note: Countywide SCC Access Channel provides access to SCC for database inquiries and relaying of information. The SCC Access channel is also home dispatch to several bureaus including Parks Bureau.

IAB Note: When the duplex patch is activated for emergent traffic, it patches channels together and allows deputies to transmit directly to one another.

Deputy Rogart continued to yell at Suspect Robles to drop the knife. Suspect Robles positioned the knife outward with the tip pointed at Deputy Rogart. Deputy Rogart noticed the knife had a solid bladed edge. Deputy Rogart walked backward and noticed the driveway was uneven with a slight decline toward the street. He felt the best solution was to hold the threat zone and not back up to his car because Suspect Robles could go into the residential area, potentially assaulting innocent bystanders. In that moment, Deputy Rogart held his ground versus retreating to his vehicle **(Deputy Rogart's IAB transcript, page 31)**.

Suspect Robles ignored Deputy Rogart's commands to drop the knife and advanced within six to eight feet. Deputy Rogart thought Suspect Robles was going to stab him, or stab somebody else **(Deputy Rogart's Homicide transcript, page 4)**. Fearing for his life, Deputy Rogart fired two rounds at Suspect Robles. The rounds hit Suspect Robles, and he dropped the knife, which landed approximately four feet away, on the ground. Suspect Robles fell to the ground and moaned, "Oh you shot me. Oh you shot me. Son of a Bitch" **(Deputy Rogart's IAB transcript, page 18)**.

Deputy Rogart recalled his backdrop was the [redacted] apartment building with elevated windows and no pedestrians were present.

Deputy Rogart broadcasted he was involved in a shooting and detained Suspect Robes at gunpoint as he waited for assistance to arrive **[EXHIBIT G, SCC Access at 01:13]**. Within a minute, additional deputies arrived. Deputy Rogart and the assisting deputies developed a plan to secure the suspect and the knife. They handcuffed Suspect Robles behind his back and saw blood coming from his abdomen. They rendered medical aid by moving Suspect Robles into a recovery position on his left side and applying pressure on his stomach wound until the arrival of the fire department.

Deputy Rogart was sequestered and transported to East Los Angeles station where he was later interviewed by Homicide Detectives.

EMPLOYEE WITNESSES

Deputy Analleli Romo

On July 12, 2021, IAB Sergeants Gauthier and Dang interviewed Deputy Romo. Attorney Stephen Chulak from the Law Offices of Stone Busailah, LLP represented Deputy Romo during the interview.

On April 04, 2018, Deputy Romo worked a two-person car as Unit 25A with Deputy Miller. She heard a call **[EXHIBIT G, SCC Access at 0:12]** regarding a male with a large knife pacing back and forth, possibly under the influence of a controlled substance. They were the handling unit and Deputy Romo started coordinating the call over the L-Tac radio channel **[EXHIBIT G, Ltac at 0:12]**. Deputy Romo heard emergent radio traffic that a deputy was involved in a shooting. She realized the shooting occurred near the location of her call.

> **IAB Note:** L-Tac is a local tactical channel assigned to a station(s). This channel is used for tactical coordination within a station area.

They responded to the shooting location and contacted Deputy Rogart. Deputy Rogart told them he was involved in a shooting with Suspect Robles. Deputy Romo saw Suspect Robles lying on the ground bleeding, with an apparent gunshot wound to his torso. Suspect Robles matched the description of the suspect in their call. Suspect Robles was alert and talking, and Deputy Saavedra rendered medical attention by applying pressure to the stomach wound on Suspect Robles. Deputy Romo saw a large knife with a black handle near Suspect Robles. She could not recall how far the knife was from Suspect Robles. Deputies Romo and Miller contained the scene and directed other units to canvas the area for witnesses or victims. Homicide detectives arrived on scene and took over the investigation.

Deputy Steven Miller

On June 23, 2021, IAB Sergeant Gauthier interviewed Deputy Miller. Deputy Miller elected to participate in the interview without representation.

On April 04, 2018, Deputy Miller worked a two-person car as Unit 25A with Deputy Romo. They were dispatched as the handling unit to a call for service regarding a male with a knife. While en-route, they heard a deputy was involved in a shooting and they realized it was near the location for their call. They responded Code 3 to the location, arriving in approximately three minutes. They discussed a tactical plan with each other while responding to the location.

When they arrived, they saw two patrol vehicles in front of the location and they approached on foot. Deputy Munoz, Unit 22, coordinated the response of assisting deputies on the duplex patch. Deputy Miller saw Suspect Robles lying on his back in the driveway, and Deputy Rogart was approximately 20 feet away from the suspect. Suspect Robles was breathing and had "an apparent gunshot wound" **(Deputy Miller's IAB transcript, page 10)**. Deputy Miller saw a knife on the ground within Suspect Robles' reach.

Deputy Rogart told Deputy Miller he fired his weapon and believed he hit Suspect Robles. Deputy Miller directed Deputy Romo to take control of the scene. Deputy Saavedra arrived on scene and rendered first aid to Suspect Robles until the fire department arrived. Deputy Miller assisted with securing the crime scene, directed additional deputies to preserve evidence, established inner and outer containment, and provided crime scene security.

Deputy Hector Saavedra

On June 23, 2021, IAB Sergeants Gauthier and Dang interviewed Deputy Saavedra. Attorney Steven Welch from the Law Offices of Rains Lucia Stern St. Phalle & Silver, PC represented Deputy Saavedra during the interview.

On April 04, 2018, Deputy Saavedra worked a two-person car as Unit 22 with Deputy Munoz. They received a call for service stating there was person with a knife in front of a location pacing back and forth. While en-route to the call, they heard SCC broadcast emergent traffic of a deputy involved shooting at the same address as their call.

Deputies Saavedra and Munoz arrived within seconds. Deputy Saavedra saw Deputy Rogart in front of the location facing eastbound into the driveway with his firearm drawn. Suspect Robles was lying face down on the ground requesting help. Suspect Robles was in a puddle of blood and a large kitchen knife was approximately four feet away from him. Deputy Saavedra was unable to recall the exact location of the knife. Deputy Munoz coordinated a containment of the scene.

Deputy Saavedra made contact with Deputy Rogart, who was detaining Suspect Robles at gunpoint, to make sure he was okay. Deputy Saavedra ordered Suspect Robles to put his hands behind his back, and not to reach for the knife. Suspect Robles complied. Deputy Saavedra told Deputy Rogart he was going to make an approach to handcuff and render aid to Suspect Robles. Deputy Saavedra had a Taser and would be less lethal options and Deputy Rogart would be lethal options. He told Deputy Rogart to be on the side of the knife and to cover him. They approached parallel to each other to avoid a crossfire. Suspect Robles was compliant and Deputy Saavedra approached and handcuffed the suspect without incident. Deputy Saavedra placed Suspect Robles in a recovery position on his left side and applied direct pressure to his stomach wound to make sure it stopped bleeding. Suspect Robles was conscious and breathing.

Paramedics arrived on scene within a minute, relieving Deputy Saavedra and rendering medical aid to Suspect Robles. Deputies Saavedra and Munoz took a containment spot until the conclusion of the incident.

Deputy Evelyn Renderos

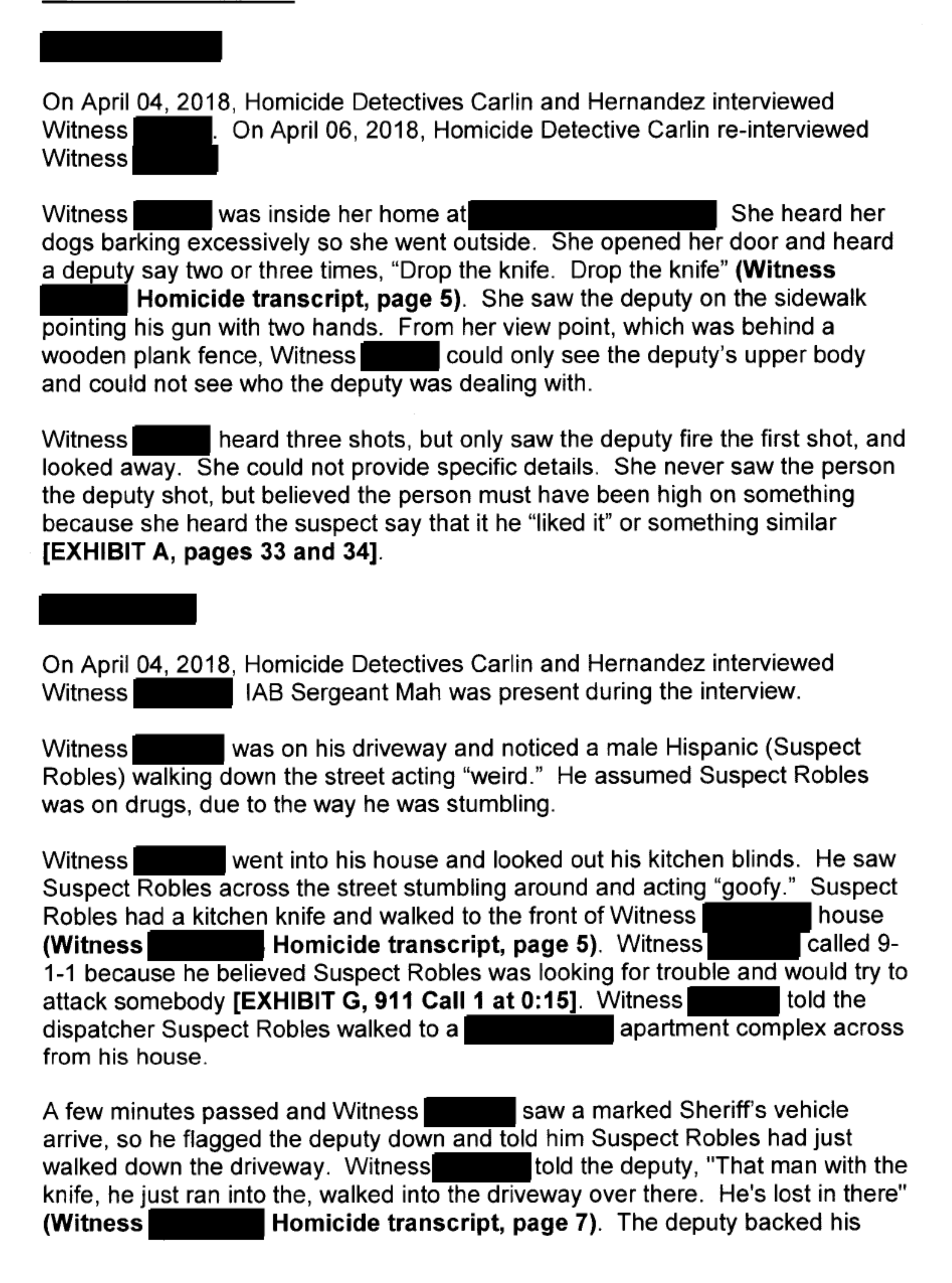
On September 29, 2021, IAB Sergeant Gauthier interviewed Deputy Renderos. Attorney Maurice E. Sinsley from the Law Offices of Stone Busailah, LLP represented Deputy Renderos during the interview.

On April 04, 2018, Deputy Renderos worked ELA Desk Operations as the watch deputy. Deputy Renderos was regularly assigned as the watch deputy. She was alerted to the incident by hearing radio traffic that there was a "998." She did not know why the call had been changed from an emergent call to a priority call, "I wasn't aware of the call. The call had already been out. I wasn't aware of the call or the changes of the call prior to the call going out" **(Deputy Renderos' IAB transcript, page 6)**.

Law Enforcement Technician (LET) Corinne Rodriguez

On September 27, 2021, IAB Sergeants Gauthier and Dang interviewed LET Corinne Rodriguez. LET Rodriguez elected to participate in the interview without representation.

On April 04, 2018, LET Rodriguez worked ELA Desk Operations as COMP II. She had approximately two years of experience working at the desk. LET Rodriguez did not recall as to why the call had been downgraded from an emergent call to a priority call, "I have to just say it's maybe a circumstance in the call, if any additional information came in or just upon speaking to maybe a dispatcher or the watch deputy that was there that day. I couldn't say specific to this call" **(LET Rodriguez's IAB transcript, page 11)**.



CIVILIAN WITNESSES

[redacted]

On April 04, 2018, Homicide Detectives Carlin and Hernandez interviewed Witness [redacted]. On April 06, 2018, Homicide Detective Carlin re-interviewed Witness [redacted]

Witness [redacted] was inside her home at [redacted] She heard her dogs barking excessively so she went outside. She opened her door and heard a deputy say two or three times, "Drop the knife. Drop the knife" **(Witness [redacted] Homicide transcript, page 5)**. She saw the deputy on the sidewalk pointing his gun with two hands. From her view point, which was behind a wooden plank fence, Witness [redacted] could only see the deputy's upper body and could not see who the deputy was dealing with.

Witness [redacted] heard three shots, but only saw the deputy fire the first shot, and looked away. She could not provide specific details. She never saw the person the deputy shot, but believed the person must have been high on something because she heard the suspect say that it he "liked it" or something similar **[EXHIBIT A, pages 33 and 34]**.

[redacted]

On April 04, 2018, Homicide Detectives Carlin and Hernandez interviewed Witness [redacted] IAB Sergeant Mah was present during the interview.

Witness [redacted] was on his driveway and noticed a male Hispanic (Suspect Robles) walking down the street acting "weird." He assumed Suspect Robles was on drugs, due to the way he was stumbling.

Witness [redacted] went into his house and looked out his kitchen blinds. He saw Suspect Robles across the street stumbling around and acting "goofy." Suspect Robles had a kitchen knife and walked to the front of Witness [redacted] house **(Witness [redacted] Homicide transcript, page 5)**. Witness [redacted] called 9-1-1 because he believed Suspect Robles was looking for trouble and would try to attack somebody **[EXHIBIT G, 911 Call 1 at 0:15]**. Witness [redacted] told the dispatcher Suspect Robles walked to a [redacted] apartment complex across from his house.

A few minutes passed and Witness [redacted] saw a marked Sheriff's vehicle arrive, so he flagged the deputy down and told him Suspect Robles had just walked down the driveway. Witness [redacted] told the deputy, "That man with the knife, he just ran into the, walked into the driveway over there. He's lost in there" **(Witness [redacted] Homicide transcript, page 7)**. The deputy backed his

vehicle up in front of the driveway, and walked toward the back of the apartment complex.

Witness [redacted] was standing in the front of his home and heard the deputy yelling, "Drop the weapon. Like, Drop the weapon. Like he kept shouting at him, Drop the weapon" **(Witness [redacted] Homicide transcript, page 8)**. The deputy repeated himself five to ten times. Witness [redacted] saw the deputy walking backward in the driveway and holding his gun. The deputy continued telling Suspect Robles to drop the knife, but the suspect did not listen and kept advancing toward the deputy with the knife, "kind of like slashing around the air" **(Witness [redacted] Homicide transcript, page 10)**. The deputy continued walking backward down the driveway toward the sidewalk. The deputy was approximately six feet away from Suspect Robles.

Witness [redacted] heard two gunshots and at that moment, his view was partially blocked by a white van. He later heard the deputies tell Suspect Robles to drop the knife and to put his hands behind his back. Suspect Robles rolled on the ground and appeared not to listen. Additional deputies arrived and rendered aid to Suspect Robles **[EXHIBIT A, pages 36 and 37]**.

[redacted]

On April 04, 2018, Homicide Detectives Carlin and Hernandez interviewed Witness [redacted]. The interview was conducted in Spanish by Investigator Hernandez. IAB Sergeant Mah was present during the interview.

Witness [redacted] was sitting with his [redacted] (Witness [redacted]) in the bed of Witness [redacted]' truck parked in the rear of the driveway at the apartment complex. Suspect Robles was making slashing movements with a "10 inch knife" and they were afraid he was going to attack them. Suspect Robles appeared very angry and saying words in English which Witness [redacted] did not understand. Suspect Robles walked toward the stairs on the side of the apartment building and began pace as he looked down the driveway toward the street.

A deputy drove slowly when he arrived and reversed his vehicle. Witness [redacted] waved the deputy over to him. The deputy walked down the driveway, and Witness [redacted] walked past the deputy toward the sidewalk. When Witness [redacted] looked back, he saw Suspect Robles walk toward the deputy. As the deputy walked backward, the suspect walked approximately five to six feet away. The deputy had his gun pointed at Suspect Robles and was saying something in English. Witness [redacted] believed the deputy was trying to calm Suspect Robles.

Witness [redacted] walked toward his apartment when he heard two gunshots. When he looked back, he saw the deputy had shot Suspect Robles, and the suspect was lying on the ground. Witness [redacted] went into his apartment and did not see anything else **[EXHIBIT A, pages 38 and 39]**.

[redacted]

On April 05, 2018, Homicide Detectives Carlin and Hernandez interviewed Witness [redacted]. The interview was conducted in Spanish by Investigator Hernandez. IAB Sergeant Mah was present during the interview.

Witness [redacted] was sitting in the back of his red pickup truck with Witness [redacted] The truck was parked in the rear corner of the apartment building. He saw Suspect Robles across the street waving a large knife in the air. It appeared Suspect Robles was under the influence of a narcotic. Suspect Robles walked within five feet of Witness [redacted] while waving the knife around. A deputy arrived and walked toward them. Suspect Robles walk toward the deputy with his knife behind his back. Witness [redacted] walk toward the deputy and told him, in Spanish, to be careful because Suspect Robles had a weapon.

Witness [redacted] heard the deputy say something approximately three times, but Witness [redacted] did not understand as he does not speak English. The deputy yelled something before he heard the gunshots. Witness [redacted] did not see what happened because he went inside his apartment **[EXHIBIT A, pages 39]**.

SUSPECT'S STATEMENT

On April 06, 2018, Homicide Detectives Carlin and Hernandez interviewed Suspect Frank Robles while he was in the hospital (LCMC).

Suspect Robles spontaneously stated, "I was minding my business, and he shot me" **(Suspect Robles' homicide transcript, page 6)**. Suspect Robles asked the detectives if they could come back another day because he was sleepy. Homicide detectives were unable to obtain any further statements **[EXHIBIT A, page 26]**.

On June 21, 2021, IAB Sergeant Matthew Gauthier contacted Salinas Valley State Prison to conduct an interview with Suspect Robles. On June 22, 2021, Investigative Services Unit Officer [redacted] asked Suspect Robles if he would be willing to participate in an interview with the Sheriff's Department about his case from April 06, 2018, in East Los Angeles. Officer [redacted] notified Sergeant Matthew Gauthier that Suspect Robles declined to be interviewed **[Miscellaneous Documents, Email from Officer [redacted]]**.

ADDITIONAL INFORMATION

As of October 02, 2020, Deputy Rafael Munoz, was no longer an employee of the Los Angeles County Sheriff's Department. A letter requesting an interview was mailed to his residence on July 26, 2021. On July 28, 2021, IAB investigators obtained the mailing receipt **[Miscellaneous Documents]**. At the

conclusion of this investigation, Deputy Rafael Munoz had not contacted IAB investigators.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES GARRISON • Director

November 16, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Non-Fatal Officer Involved Shooting of Frank Robles
J.S.I.D. File #18-0127
L.A.S.D. File #018-05107-0287-056

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 4, 2018 non-fatal shooting of Frank Robles involving Los Angeles County Sheriff's Department Deputy John Rogart. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy John Rogart, [redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
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MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Frank Robles
J.S.I.D. File #18-0127
L.A.S.D. File #018-05107-0287-056

DATE: November 16, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 4, 2018, non-fatal shooting of Frank Robles by Los Angeles County Sheriff's Department (LASD) Deputy John Rogart. It is our conclusion Deputy Rogart acted in lawful self-defense at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on April 4, 2018, at approximately 8:13 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Joe Mendoza.

The following analysis is based on reports, recorded interviews, photographs, and sketches submitted to this office by LASD Homicide Bureau Investigators John Carlin and Ralph Hernandez. The voluntary statement of Deputy Rogart was considered as part of this analysis.

FACTUAL ANALYSIS

On April 4, 2018 at approximately 7:15 p.m., Frank Robles approached two men, [redacted] and [redacted] who were sitting in the back of a pickup truck near the end of the driveway to an apartment complex on Leonard Place. As Robles approached the men, he waved an eight-inch kitchen knife in the air. When he waved the knife, he said something to the men in English, which they could not understand.[1] Based on Robles' actions, [redacted] became fearful for his life.

[redacted] witnessed Robles' actions and called 9-1-1, at approximately 7:19 p.m. to report a man "wielding" a knife in the street. [redacted] told the 9-1-1 operator that the man was acting erratically and possibly under the influence of drugs. The man was later identified as Robles.

[1] [redacted] and [redacted] speak Spanish and did not understand what Robles said to them.

Rogart was driving through the area in a marked patrol vehicle, unaware of the 9-1-1 call, when he was flagged down by [redacted] who was still holding his cell phone. Rogart parked his patrol vehicle in front of the driveway to the complex and exited his car.

Rogart saw [redacted] and [redacted] in the driveway. The men waved him over and Rogart approached to see if the two men were okay. The two men pointed towards the rear of the location and one of the men said, "Cholo, knife." Robles, who was behind the northeast corner of the apartment building next to the rear staircase, stepped out onto the driveway as Rogart approached. Robles walked westward down the driveway, toward Rogart, and held the knife in his left hand behind his back.

[redacted] and [redacted] in fear for their safety, got out of the bed of the pickup truck and walked away from the scene. Robles approached Rogart, took the knife out from behind him, and began to wave the blade in front of him in a slashing motion. Rogart unholstered his duty weapon, a 9mm semiautomatic firearm, and pointed it at Robles. Robles had a "blank stare" as he approached Rogart. Rogart believed Robles may have been under the influence of a narcotic due to Robles' profuse sweating and hyperactive behavior. Rogart feared for his life and the lives of others.

Rogart ordered Robles to drop the knife and Robles did not comply. Robles continued to walk towards Rogart holding the knife and said, "Fuck you! Get out of my way! I'm gonna fuck you up!" Rogart walked backwards away from Robles, retreating towards his vehicle. Rogart directed Robles to drop the knife multiple times. Robles did not drop the knife and continued to advance towards Rogart.

Robles pointed the knife towards Rogart as Robles walked down the driveway towards Rogart. While walking backwards away from Robles, Rogart called into his radio requesting clearance for the use of deadly force. Robles accelerated his approach and closed the distance between them to approximately six feet. In fear for his life, Rogart fired two rounds at Robles.

Robles fell to the ground and dropped the knife. Robles spoke, but it is unclear what was said.[2] Rogart broadcasted on his radio that he was involved in a shooting and Deputies Saavedra and Munoz arrived shortly thereafter. Saaverdra, Munoz, and Rogart rendered medical aid to Robles.

The Los Angeles County Fire Department arrived on scene and treated Robles. Robles was transported to Los Angeles County Medical Center by ambulance where he was treated for gunshot wounds to his abdomen and his left leg. On April 7, 2018, the hospital cleared Robles for booking.

Investigators retrieved the knife that was located on the driveway. See Figure 1.

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[2] Conflicting reports indicate that Robles may have simply groaned in pain, or said something to the effect of, "I like it. It feels good."

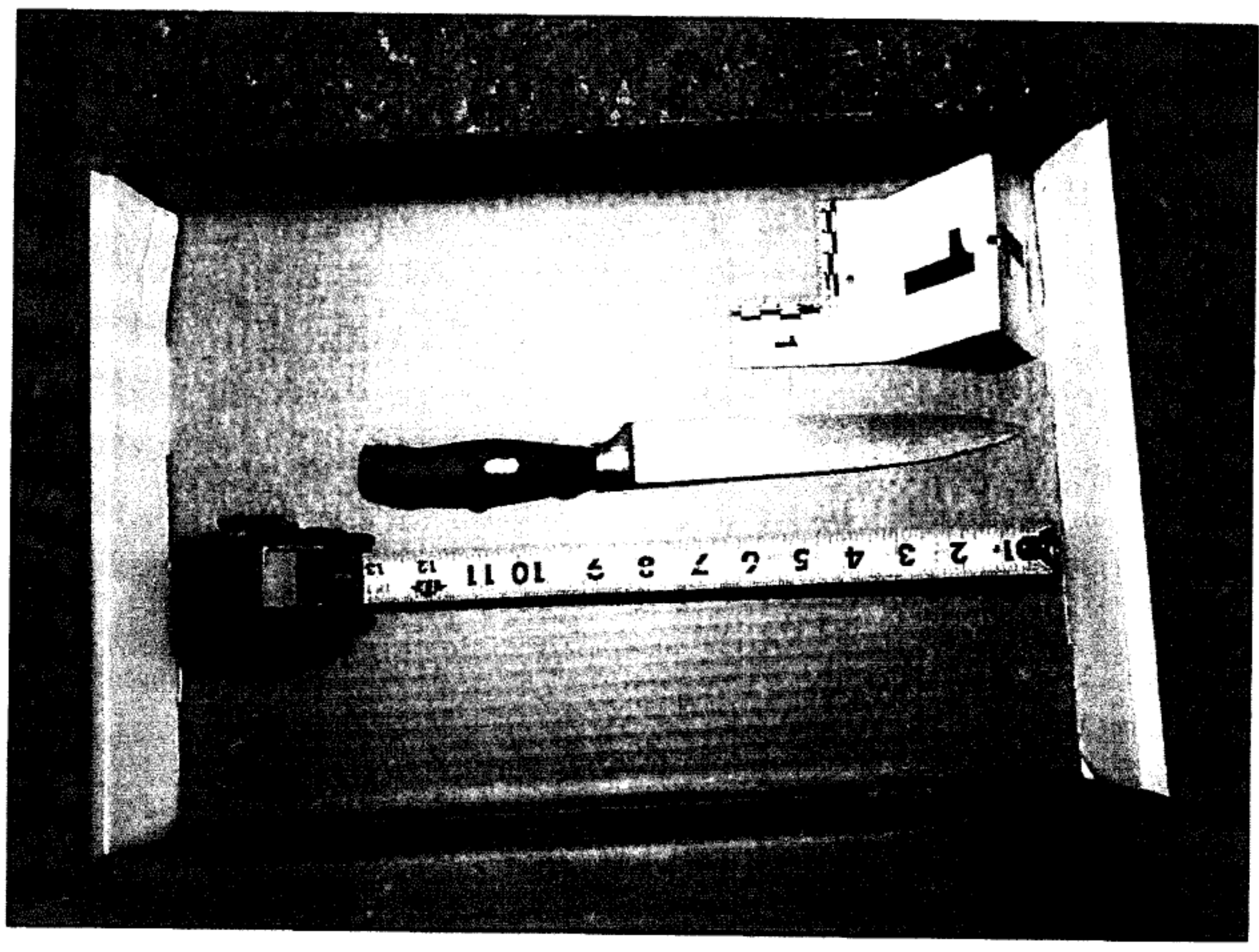


Figure 1: Knife Robles brandished.

Based upon his actions in this case, Robles was convicted of a violation of Penal Code § 245(c), assault with a deadly weapon on a peace officer.

Numerous witnesses gave similar statements as to what occurred during the incident.

[redacted]

[redacted] saw Robles holding a large kitchen knife with a black handle while stumbling around the area. Robles was walking back and forth across the street and talking to himself. [redacted] said that Robles appeared to be under the influence of drugs. [redacted] called 9-1-1 and flagged down Rogart as he was driving through the area.

[redacted] watched the scene unfold between Rogart and Robles from inside his residence. [redacted] stated Rogart told Robles to, "Drop the knife" approximately five to ten times as Rogart backed up. [redacted]. also stated that Rogart was approximately six feet away from Robles when Rogart fired his weapon.

[redacted]

[redacted] and [redacted] were both sitting in the back of [redacted] truck when Robles approached them holding a knife and acting erratically. Robles waved the knife in the air, and at one point came within five to six feet of the truck before turning around and heading in a different direction.

Both witnesses observed Rogart arrive. [redacted] and [redacted] heard Rogart yell to Robles, and saw Robles walk towards Rogart, initially hiding the knife behind his back. At this point, both [redacted] and [redacted] turned away from the scene and walked down the driveway past Rogart. [redacted] did not see anything else because he fled to the stairwell to his apartment which blocked his view of the driveway. [redacted] fled as well, but looked back one time and saw Robles get within approximately six feet of Rogart. [redacted] turned his attention away from the driveway and immediately heard the shot. Neither [redacted] nor [redacted] ever saw Robles point the knife at Robles and wave it.

[redacted] and [redacted] both say they heard two shots fired.

LEGAL ANALYSIS

<u>The Law</u>

California Law permits the use of deadly force in self defense or in the defense of others if the person claiming the defense actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; CALCRIM No. 505; *See also* <u>People v. Randle</u> (2005) 35 Cal.4th 987, 994 (overruled on another ground in <u>People v. Chun</u> (2009) 45 Cal.4th 1172, 1201); <u>People v. Humphrey</u> (1996) 13 Cal.4th 1073, 1082.

In protecting oneself or another, a person may use all the force that he or she believes is reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury that appears to be imminent. CALCRIM No. 3470

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code § 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." <u>People v. Mehserle</u> (2012) 206 Cal.App.4th 1125, 1146

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[3] Although they were each interviewed separately, the statements of [redacted] and [redacted] are presented together because of the similarity of their statements and locational perspective during the event.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code § 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1147. An officer may only resort to the use of deadly force when the resistance to compliance or arrest "appears to the officer more likely to inflict great bodily injury on himself or those acting with him." Id. at 1146; quoting People v. Bond (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575, 589.

Analysis

The evidence examined in this investigation shows Robles approached two men and threatened them with a knife. Another man flagged down Rogart to assist with this situation. Robles approached Rogart, pointed his knife at him and advanced toward him. Rogart retreated and repeatedly ordered Robles to drop his weapon. Robles got within six feet, did not drop his weapon, nor comply with Rogart's commands. As such, Rogart reasonably feared for his life and fired his duty weapon.

Under this rapidly unfolding situation, it was reasonable for Rogart to believe that Robles posed a deadly threat to himself. As such, Rogart's decision to use deadly force in order to protect himself was reasonable.

CONCLUSION

We find that Deputy Rogart acted lawfully in self-defense when he fired at Robles. We are closing our file and will take no further action in this matter.